

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB840)

For: **Christine Sinicki (608) 266-8588** Drafter: **mmcgreev**
By: **Mary Beth** Secondary Drafters:
Date: **2/13/2020** May Contact:

Same as LRB:

Submit via email: **YES**
Requester's email: **Rep.Sinicki@legis.wisconsin.gov**
Carbon copy (CC) to: **MaryAlice.McGreevy@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allow employee opt-out of electronic acknowledgment of tip

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mmcgreev 2/13/2020	ccarmich 2/13/2020	dwalker 2/13/2020	dwalker 2/13/2020	

FE Sent For: **<END>**

McGreevy, Mary Alice

From: George, Mary Beth
Sent: Wednesday, February 12, 2020 5:34 PM
To: Champagne, Rick
Cc: McGreevy, Mary Alice; Rayment2, Harrison; 'sinicki328@gmail.com'
Subject: for 9:30 am exec tomorrow (sorry!): Rep. Sinicki needs this amendment to AB 840

Importance: High

The amendment should say that employees are allowed to opt out of electronic point-of-service reporting.

I'm still in the office – please call if any questions.

Thank you!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Best regards,

Mary Beth George

Office of State Rep. Christine Sinicki
20th Assembly District
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608-266-8588
rep.sinicki@legis.wi.gov

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ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 840

*ASAP
For 9:30 am
spec*

Hopv

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 6: delete “to require a tipped employee”.
- 3 **2.** Page 1, line 7: delete “the” and substitute “an”.
- 4 **3.** Page 2, line 2: after “(3).” insert “If an employer uses electronic signatures
- 5 or other electronic means to verify an employee’s acknowledgment for the counting
- 6 of tips or similar gratuities for the purposes of s. 104.035 (3), the employer may not
- 7 require a tipped employee to use the electronic signature or other means, and the
- 8 employee shall be allowed to use a paper document to acknowledge the counting of
- 9 tips or similar gratuities.”



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5173/1

MIM:cdc

2019 ASSEMBLY BILL 840

January 30, 2020 - Introduced by Representatives SCHRAA, BOWEN, BALLWEG, BROOKS, DITTRICH, FELZKOWSKI, KULP, SKOWRONSKI, WICHGERS and ZIMMERMAN, cosponsored by Senators BERNIER, FEYEN, JACQUE, KAPENGA and NASS. Referred to Committee on State Affairs.

1 **AN ACT to amend** 104.045 (1) of the statutes; **relating to:** counting of tips for
2 tipped employees and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Workforce Development to promulgate rules allowing an employer to require tipped employees to use an electronic signature or other electronic means that uniquely identifies the employee when acknowledging the counting of tips toward fulfillment of the employer's obligation to pay the minimum wage.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 104.045 (1) of the statutes is amended to read:

4 104.045 (1) The counting of tips or similar gratuities toward fulfillment of the
5 employer's obligation under ~~this chapter s. 104.035 (3).~~ The rules promulgated
6 under this subsection shall allow an employer to require a tipped employee to use an
7 electronic signature or other electronic means that uniquely identifies ~~the~~ employee

an

ASSEMBLY BILL 840

SECTION 1

1 to acknowledge the counting of tips or similar gratuities for purposes of s. 104.035

② (3). In this subsection, "electronic signature" has the meaning given in s. 137.11 (8).

3

(END)

Handwritten notes:

(1) If a person is required to pay a tip to a person who is providing a service, the amount of the tip shall be included in the person's gross income.
 (2) For purposes of this section, a tip is a payment made by a customer to an employee of a restaurant, bar, or other establishment for services rendered.
 (3) For purposes of this section, a tip is a payment made by a customer to an employee of a restaurant, bar, or other establishment for services rendered.
 (4) For purposes of this section, a tip is a payment made by a customer to an employee of a restaurant, bar, or other establishment for services rendered.